



**FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Timothy Ramseyer & Patrick Koziol
DOCKET NO.: 14-02354.001-R-1
PARCEL NO.: 06-24-327-012

The parties of record before the Property Tax Appeal Board are Timothy Ramseyer & Patrick Koziol, the appellants,¹ and the Kane County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **No Change** in the assessment of the property as established by the **Kane** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	\$5,481
IMPR.:	\$22,643
TOTAL:	\$28,124

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the Kane County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2014 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property consists of a part one-story and part two-story dwelling of frame construction with 1,106 square feet of living area. The dwelling was constructed in 1889. Features of the home include a full basement and a detached 324 square foot garage. The property has a 5,821 square foot site and is located in Elgin, Elgin Township, Kane County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants provided evidence of a recent purchase price and comparable sales data.

¹ Attorney Jerri K. Bush withdrew her appearance as counsel for the appellants by a filing dated March 16, 2016.

As to the sale of the subject, the appellants submitted evidence disclosing the subject property was purchased on October 23, 2013 for a price of \$24,500. The appellants completed Section IV – Recent Sale Data reporting the property was sold by Andy M. Olivarez, the owner, the parties were not related and the property was advertised by "sign, internet and/or auction" for an unstated period of time. In further support a copy of the Settlement Statement was submitted; the document did not reflect the payment of any brokers' fees.

As to comparable sales, the appellants submitted a limited analysis of six properties where comparable #1 was the subject property. The comparables were described as part one-story and part two-story homes located within 1.23-miles of the subject property. The homes were built between 1889 and 1909 and range in size from 1,032 to 1,291 square feet of living area with full basements. One comparable has central air conditioning and four of the comparables have a garage of either 216 or 280 square feet of building area. The properties sold between May 2012 and April 2014 for prices ranging from \$21,500 to \$44,000 or from \$19.06 to \$42.64 per square foot of living area, including land.

Based on this evidence, the appellants requested a reduction in the subject's assessment to reflect a market value of approximately \$24,500 or \$22.15 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$28,124. The subject's assessment reflects a market value of \$84,482 or \$76.39 per square foot of living area, land included, when using the 2014 three year average median level of assessment for Kane County of 33.29% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review submitted a memorandum and data gathered by the Elgin Township Assessor's Office. The assessor asserted that the October 2013 sale was "not on open market per PTAX." No documentation was provided to support this assertion such as a copy of the PTAX-203 Illinois Real Estate Transfer Declaration. The assessor further noted that "sales not exposed to the market are excluded from sales ratio studies."

In support of its contention of the correct assessment the board of review through the township assessor submitted information on six comparable sales of a two-story and five, part one-story and part two-story frame dwellings that were built between 1880 and 1925. The homes range in size from 1,239 to 1,391 square feet of living area. Each comparable has a basement, one of which has finished area. Five of the comparables have a garage ranging in size from 204 to 440 square feet of building area. The properties sold between April 2011 and October 2013 for prices ranging from \$83,500 to \$133,000 or from \$66 to \$105 per square foot of living area, including land, rounded.

Additionally, the assessor contended that the owner of the subject owns multiple properties in Elgin Township. With the property tax bill being sent to an address other than the subject property, the assessor presumes the subject is a rental property. Therefore, the assessor estimated a yearly rent for the subject property of \$12,000. "By extracting a GRM from the market data, we have estimated a fair market value of \$96,000 (\$12,000 x 8)."

Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The appellants contend the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellants did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted evidence of the 2013 sale of the subject along with a total of eleven comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given little weight to the 2013 sale of the subject property as there is no substantive evidence in the record that the property was advertised on the open market for a reasonable period of time prior to the sale transaction. The board of review in response to the appeal asserted that the property had not been advertised and the appellants provided no rebuttal to contradict that assertion.

As to the eleven comparable sales in the record, little weight has been given to appellants' comparable sale #6 and board of review comparable sales #3, #4, #5 and #6 as each of these comparables sold in 2011 or 2012, dates remote in time to the valuation date at issue of January 1, 2014. No consideration has been given by the Board to appellants' comparable #1 which is a duplicate of the subject property. Reduced weight has also been given to appellants' comparable #3 and board of review comparable #1 as these properties lack a garage which is a feature of the subject property.

The Board finds the best evidence of market value to be appellants' comparable sales #3, #4 and #5 along with board of review comparable sale #2. These properties all sold between July 2013 and April 2014 for prices ranging from \$35,000 to \$133,000 or from \$27.11 to \$104.56 per square foot of living area, including land. The subject's assessment reflects a market value of \$84,482 or \$76.39 per square foot of living area, including land, which is within the range established by the best comparable sales in this record on a per-square-foot basis and also in terms of overall value. After considering adjustments and the differences in both parties' suggested comparables when compared to the subject property, the Board finds the subject's assessment is supported based on the best sales evidence contained in the record and a reduction in the subject's assessment is not justified.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member



Member



Acting Member

DISSENTING: _____

CERTIFICATION

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: October 21, 2016



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of

the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.